

IN THE DRAWINGS

Revised Figs. 1 and 2 are now marked with the legend of "Prior Art". A copy of the revised drawings is enclosed (ATTACHMENT I).

REMARKS

Reconsideration of all grounds of rejection and allowance of the pending claims are respectfully requested in light of the above amendments and the following remarks.

Claims 1-10 are pending. Claims 1 and 3 have been amended, with claim 1 being clarified by reciting the guide element comprises a foot part, the foot part is provided with a base plate, the guide element encloses an interior space, and the fixing plate extends within the interior space and has feed-through holes. Support for these features is found in Fig. 1 and the specification at page 2, lines 2-4, and lines 19-20. New claim 5 is supported in the specification at least at page 2, lines 14-15 and 19-20; claim 6 is supported at page 2, lines 24-26 and page 4, lines 23-24; claims 7 and 8 are supported at page 4, first paragraph; claim 9 is supported at page 4, lines 17-20 and shown in Fig. 3; and claim 10 is supported at least by original claim 1, and page 4 at lines 5-7.

Applicants have filed a new IDS and request consideration of same.

Changes to the Drawings

Revised Figs. 1 and 2 have been submitted herewith. The change is that these figures now are marked as Prior Art.

Changes to the Specification

The specification has been amended to include section headings as recommended in the Office Action. The specification was also updated to correct an error in which Fig. 1 was disclosed as showing Applicants' invention. The description of the drawings identifies Figs 1

and 2 as prior art. The specification was amended to highlight the difference between the embodiment of the invention shown in Fig. 3 and the prior art of a part of the embodiment shown in Fig. 1.

Rejection of Claims 1-4 under 35 U.S.C. §102(b)

Claims 1-4 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Englund (U.S. 6,203,242). Applicant respectfully traverses this ground of rejection for the reasons indicated herein below.

The present claimed invention provides a barrier element that can be fixed to a carriageway (a.k.a. roadway), thereby making modifications to known barrier elements so that the barrier element can be affixed to the carriageway by simple fixing elements. As recited by claim 1, the barrier element of the present invention is provided at its foot part with a fixing plate having feed-through holes through which a fixing element can be passed and fixed to the carriageway, thereby affixing the barrier element relative to the carriageway. The fixing plate may be the same plate as the base plate. As recited in Claim 2, the base plate comprises parts of a first tenon and mortise connecting system employed for joining one barrier element to another as illustrated in Fig. 3 and described at page 4, lines 15-16, “According to one embodiment of the invention, the plate 14, which is the base plate here, is also provided with two holes 20 and 21 [and bushes 22 and 23]. ... A bolt, nail, rivet or other suitable fixing means is passed through the holes 20, 21, bushes 22, 23 and holes in the flanged bottom edge 24 and 25 and is anchored in the road surface.” Or, if desired, the fixing plate and base plate may be different plates as mentioned at page 2, lines 30-31.

In contrast to the present claimed invention, Englund discloses a barrier element provided with brackets (5,6), which, together with brackets (5', 6') of a neighboring barrier element and a road (8), form a hinge (please see column 1, line 21 of Englund) made of the protruding brackets. The brackets (5,6,5',6') are placed in sleeves (9) in which they are displaceable to a limited extent between two end positions to allow for lateral displacement of the barrier element in the event of a vehicle crashing into the barrier element.

Moreover, Englund also discloses at column 3, lines 25-28 that "[I]n a crash barrier according to the invention, use is made of its mass or weight in combination with the fact that neighbouring barrier elements are articulated to each other by means of a suitably designed articulated connection." In other words, Englund discloses that a barrier element, which under its own weight, has a fixed position on the carriageway and that is provided with hinges to allow for a limited lateral displacement in case of collision (please also see column 3, lines 18-22).

Therefore, in view of the above paragraph, Applicant respectfully submits Englund discloses a barrier element with protruding brackets used to form a hinge, and Englund fails to disclose a fixing plate affixes the barrier element relative to the carriageway, as in the presently claimed invention.

Also, each bracket 5, 6, 5', 6' of Englund can have only one hole, respectively. To have more holes per bracket would defeat the objective of forming a hinge. In contrast, present Claim 1 recites the fixing plate has feed through holes (plural).

Moreover, as Englund fails to disclose a fixing plate that affixes the barrier element relative to the carriageway, Englund neither teaches nor suggests the direction of the fixing plate or the use of brackets for that purpose.

To further set forth the present invention amended Claim 1 recites the guide element encloses an interior space, and the fixing plate extends within the interior space.

The present specification states at page 2, lines 14-16 that one advantage achieved by the present invention is that by the fixing means extending within the interior space enclosed by the guide element, the guide element acts as a shield so that there are not any projecting parts that could cause injuries to persons or damage to vehicles when accidents occur.

For at least the above reasons, Applicant respectfully submits that none of the present claims are anticipated in view of Englund, as this reference fails to disclose all of the elements Applicant's claims. In addition, a person of ordinary skill in the art would not have found any of the present claims to have been obvious in view of Englund at the time of invention. Reconsideration and withdrawal of the rejection of claims 1-4 under 35 U.S.C. §102(b) are respectfully requested.

In view of the above, it is respectfully submitted all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested.

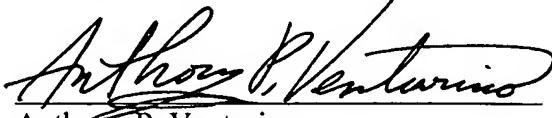
Conclusion

If there are any issues which may be best resolved via telephone, please contact the undersigned attorney at the local Washington, D.C. telephone number listed herein below.

Respectfully submitted,

Date: Dec. 21, 2005

By:


Anthony P. Venturino
Registration No. 31,674

APV/SG

ATTORNEY DOCKET NO. APV31827

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
1615 L STREET, N.W., SUITE 850
WASHINGTON, D.C. 20036
TEL. 202-785-0100 / FAX. 202-785-0200